

MINUTES
MASSAGE THERAPY BOARD
November 21, 2006 – 9:00 a.m.
Room 475 - Fourth Floor - Heber Wells Bldg.
160 East 300 South, Salt Lake City, Utah

CONVENED: 9:05 a.m.

ADJOURNED: 2:43 p.m.

PRESENT:

Clyde Ormond, Bureau Manager
Jacky Adams, Board Secretary
Stephanie Kearns, Acting Board Secretary

Board Members:

Karen Lessman-Hughes	Craig Sauer
Richard Engar	Jennifer H Pruetz
Ruth Werner	

ABSENT:

GUESTS:

Roger Olbrot, AMTA; Craig Anderson, OIMT; Troy Bever, CMT; Ryan Carolan, Academy of Bodywork; Deana Smith, Academy of Bodywork; Kim Hohmeister, Academy of Bodywork; Brandy Baum; Sherri Cox; Amy Gomm; Taylor (Nate) Lamont; Nathan Kemple; Michael Varona; Christopher Cowdell; Conrad Harting; Melissa Saxton; Cory Brangham; Dan T Jones, Bureau Manager

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS:

ADMINISTRATIVE BUSINESS:

Approve the Minutes from the
September 19, 2006 Board Meeting

Mr. Engar seconded by Ms. Pruetz made a motion to approve the minutes, with corrections, from the September 19, 2006 meeting, the motion carried unanimously.

APPOINTMENTS and NEW APPLICATIONS: Received since September 19, 2006 meeting:

9:15 a.m.- Uken, Ammon

Mr. Uken did not meet with the Board for his scheduled probation interview. Mr. Ormond stated that Mr. Uken has not submitted an employer report since the July 18, 2006 board meeting.

Mr. Engar seconded by Ms. Werner made a motion to send a non-compliance letter since he was not in compliance with his MOU (Memorandum of Understanding), the motion carried unanimously.

Mr. Uken later called to say that he never received the letter informing him of his scheduled appointment.

9:30 a.m. – Carolan, Ryan

Mr. Carolan and Ms. Hohmeister met with the Board to review his application for apprentice licensure. Mr. Ormond reviewed Mr. Carolan's application Ms. Lessman-Hughes

asked whether Ms. Hohmeister is still teaching. Ms. Hohmeister responded that she is not currently teaching, but is involved with the school in other ways. Ms. Hohmeister then presented her curriculum to the board. Ms. Lessman-Hughes asked whether Ms. Hohmeister has a written contract with the apprentice. Ms. Hohmeister stated that she is having a lawyer draw up the contract.

Deanna Smith entered the meeting as an apprentice of Ms. Hohmeister's under the same curriculum as Mr. Carolan.

Ms. Werner stated that the curriculum is less structured than a school curriculum and that she would like to see how the contract works out. Mr. Ormond stated that the Statutes and Rules do not require a contract, and suggested that if the Board wants a contract to be necessary, a change needs to be made to the Statutes and Rules. Ms. Hohmeister stated that her students have attended a certain amount of schooling and asked if she could pick up where they left off. Ms. Lessman-Hughes questioned whether the training done at a massage school could be counted towards the apprentice training if the students have transcripts. Mr. Ormond found nothing in the Statutes and Rules prohibiting transcripts from carrying over to an apprenticeship. Mr. Olbrot explained how transferring credits works from school to school. Mr. Ormond suggested that a criteria needs to be documented to avoid confusion.

Ms. Werner seconded by Mr. Engar made a motion to accept Ms. Hohmeister's curriculum with a recommendation to finish the contract, the motion carried unanimously.

Ms. Werner would like to see a protocol for approving apprenticeships be put on the agenda for a future Board Meeting.

9:45 a.m. – Smith, Karla

Ms. Smith met with the Board for her scheduled probation interview. Mr. Ormond explained Ms. Smith's order to show cause and misunderstanding about how a dilute is interpreted. Based upon this misunderstanding it is not necessary for an order to show cause hearing. Mr. Ormond suggested accepting a dilute test as not a positive test. Ms. Lessman-Hughes reviewed Ms. Smith's past drug test results, and MOU requirements. Ms. Smith raised the issue that after 6 months the board might consider an early release, and then submitted a positive employer reports from past employer. Mr. Engar stated that Ms. Smith is in compliance with her MOU, and needs to continue working under direct supervision. Mr. Engar, then also suggested considering Ms. Smith's request of an early release at the January Board meeting. Ms. Smith then mentioned she had taken cough

medicine that might show up on her most recent drug test results. Ms. Smith will meet with the board on January 16, 2007 at 10:15.

10:00 a.m.-Baum, Brandy

Ms. Baum met with the Board for her scheduled probation interview. Mr. Ormond reminded the Board of her MOU requirements. A positive employer report was submitted from Ms. Baum's supervisor Nicole Price of Massage Envy in Draper. Ms. Baum presented a letter explaining her experience to the Board.

It was determined that Ms. Baum is in compliance with her MOU and has learned from her experience.

Mr. Sauer seconded by Mr. Engar made a motion to release Ms. Baum of her MOU and probation, the motion carried unanimously.

10:15 a.m.-Cox, Sherri Lynn

Ms. Cox met with the Board for her scheduled probation interview. Ms. Cox commented about the ethics class she had recently taken and presented a certificate of completion to the Board. Ms. Cox also stated that she has started reading the *Ethics for Touch* book, will complete two more courses through AMTA, and has reread the Ethics Code and Statutes and Rules. Ms. Cox explained that she found the class to be very helpful. The Board determined that Ms. Cox is in compliance with her MOU. Ms. Cox agreed to meet with board on March 20, 2007 at 10:30.

Break

10:45 a.m. – Gomm, Amy

Ms. Gomm met with the Board for her scheduled probation interview. A positive employer report was submitted from her supervisor, Harriett McEntire of Align Spa. Mr. Ormond reminded the Board of the requirements from Ms. Gomm's MOU. Ms. Baum sent in a court disposition, showing that the charges have been dismissed. The Board determined Ms. Baum to be in compliance with her MOU and discussed releasing her from probation.

Mr. Engar seconded by Ms. Pruetz motioned to grant Ms. Gomm full licensure and release her from probation, the motion carried unanimously.

11:00 a.m.- Lamont, Mark

Mr. Lamont met with the Board for his scheduled probation interview. Mr. Lamont explained that he missed the previous meeting because he did not receive a letter due to an address change and that it was not his intent to miss the meeting. Mr. Lamont presented positive employer reports to the Board. The Board asked Mr. Lamont to write a letter explaining what he has learned from being on probation if he wants to be considered for an early release from probation at

his next interview. Mr. Lamont will meet again on March 20, 2007 at 9:00.

11:15 a.m.-Kemple, Nathan

Mr. Kemple met with the Board to review his application for licensure. Mr. Ormond explained that Mr. Kemple was convicted of a class B misdemeanor for lewdness on April 20, 2006 and was placed on probation for 12 months by the Orem - 4th District Court. Mr. Ormond read the police report stating that officers saw Mr. Kemple exposing his buttocks while tanning in a park.

Mr. Kemple's letter explained he was tanning and that he could see no one else in the park when he exposed himself, but he fell asleep. Mr. Kemple stated that he did go through a mental health evaluation. Mr. Ormond asked for a copy of the paperwork from the mental health agency. Mr. Kemple responded that he would send the document to DOPL (Division of Occupational and Professional Licensing). The Board discussed the aggravating and mitigating circumstances of the case. Mr. Kemple stated that he is currently working as clinical manager at the Utah College of Massage Therapy. Mr. Ormond read the Standards of Practice, standard 5 in the Code of Ethics and suggested that Mr. Kemple look at it.

Mr. Engar seconded by Ms. Pruetz made a motion to grant Mr. Kemple full licensure, the motion carried unanimously.

11:30 a.m.- Bever, Troy

Mr. Bever met with the board for his first scheduled probation interview. A positive employer report was submitted from Thomas Lavoie of Creative Touch. Ms. Werner reviewed why Mr. Bever is here and the terms of his MOU. Ms. Werner questioned the relationship between Mr. Bever and his supervisor and whether the Board will accept the relationship. The Board asked Mr. Bever to make alterations to wording in employer reports to clarify the relationship as an employer and employee for the next board meeting. Mr. Bever asked for a letter explaining what he needs to submit for next meeting.

Ms. Werner suggested that compliance between the wording in statute and the wording in MOU's need to be made, concerning the definition of a supervisor's relationship with their apprentice.

Ms. Werner seconded by Mr. Sauer made a motion that Mr. Bever is not in compliance with MOU but will make alterations and present them to next meeting, the motion carried unanimously. Mr. Bever will meet again on January 16, 2007 at 9:00.

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11:45 a.m.– Cleverly, Ryan

Mr. Cleverly did not meet with the Board. Mr. Ormond explained the reasoning for his requested appearance was to explain what the insurance industry's requirement is for billing massage therapists. No further action was taken.

12:15 p.m. – Varona, Michael

Mr. Varona met with the Board to review his application for licensure. Mr. Ormond reviewed Mr. Varona's applications and explained that Mr. Varona was charged or convicted with:

- 1) Possession of Cocaine, 3rd Degree Felony on January 29, 2005, charge dismissed.
- 2) Possession of Drug Paraphernalia, Misdemeanor on January 29, 2005.

Mr. Varona explained his criminal history to the Board. Mr. Ormond commented that a petition to seal or expunge the charges was included in the application for licensure. Mr. Varona stated that his court date to seal the charges is December 18, 2006.

Ms. Werner seconded by Mr. Sauer motioned to grant Mr. Varona a conditional license contingent upon the charges being sealed and reviewed at the January board meeting. Mr. Varona will meet again on January 16, 2006 at 9:15.

12:30 p.m. – Cowdell, Christopher

Mr. Cowdell met with the Board to review his application for licensure. Mr. Ormond explained that Mr. Cowdell was charged with or convicted of:

- 1) DUI on May 17, 1998 by the West Jordan Police Department
- 2) Rape of a Child, 2nd degree Felony on July 18, 2000 reduced to Sexual Battery, class A misdemeanor on March 8, 2005

Mr. Cowdell noted that his court ordered probation is complete and that his bishop turned him in with his consent. Mr. Cowdell also stated that he completed community service and counseling. Mr. Ormond asked whether Mr. Cowdell was aware of the Code of Ethics, Mr. Cowdell responded that he was. The Board discussed the aggravating and mitigating circumstances of the case. Ms. Pruetz asked why Mr. Cowdell told his bishop about the charge, Mr. Cowdell responded that he knew he did something wrong and needed to confide to someone.

Mr. Engar seconded by Mr. Sauer made a motion to give Mr. Cowdell full licensure, the motion carried unanimously.

12.45 p.m. – Harting, Conrad

Mr. Harting met with the Board to review his application for licensure. Mr. Ormond explained that Mr. Harting was charged with or convicted of:

- 1) Simple Assault, class B Misdemeanor on May 4, 2005
- 2) Unlawful Sexual Intercourse, 2nd Degree Felony on November 27, 2005. Later reduced to Sexual Assault, Class A Misdemeanor on March 6, 2006

Mr. Harting stated that he is still currently on probation and is aware of the problems that arise from a criminal history in gaining licensure. Ms. Pruetz questioned Mr. Harting about the chances of a second occurrence of the simple assault charge. Mr. Ormond questioned Mr. Harting on whether he was aware of the Code of Ethics and how he would handle future situations. Mr. Harting responded that he was aware of the Code of Ethics and he wouldn't jeopardize his career by making the same mistake again.

Mr. Engar suggested a 2-year probation with the following restrictions:

- 1) A completed mental health evaluation,
- 2) Employer reports
- 3) Work under Direct supervision
- 4) Attend counseling as advised by the Board

Mr. Engar seconded by Ms. Werner motioned to have Mr. Harting undergo an evaluation by an approved psychiatrist then meet with the Board to determine the amount of counseling required and discuss conditional licensure, the motion carried unanimously. Mr. Harting will meet again with the Board on March 20, 2007 at 9:15.

1:00 p.m. – Saxton, Melissa

Ms. Saxton met with the Board to review her request for an extension of her Massage Apprentice License. Mr. Ormond reviewed Ms. Saxton's apprenticeship under Ms. Mazza-Goedike. Ms. Saxton stated that her apprenticeship hours are completed and that she is requesting an extension to review test material before taking the National test.

Ms. Pruetz seconded by Mr. Engar motioned to approve a six-month extension to Ms. Saxton's apprenticeship, the motion carried unanimously.

1:15 p.m. – Brangham, Cory

Mr. Brangham met with the Board to review his application for licensure. Mr. Ormond explained that Mr. Brangham was charged with or convicted of a DUI on July 9, 2004 the case was closed on April 11, 2006.

Mr. Brangham stated that he completed a twelve-month probation and went to AA meetings throughout the duration of the probation. Ms. Lessman-Hughes asked Mr. Brangham whether or not he still likes to party and whether this occurrence is likely to happen again, Mr. Brangham

responded that he does not drink and drive and understands that he put his life and other lives in danger. It was determined that once Mr. Brangham submits proof of passing the NCBTMB exam then the probationary license can be issued with the following restrictions:

- 1) Quarterly employer reports
- 2) Work under direct supervision
- 3) Attend meetings with the Board as requested by the Board.

Mr. Engar seconded by Ms. Werner made a motion to grant Mr. Brangham probationary licensure contingent upon passing NCBTMB exam. Mr. Brangham agreed to meet again January 16, 2007 at 9:30.

It was later determined that in 2005 this board had approved an applicant with the same charge with no restrictions. Mr. Brangham's license as a Massage Therapist was then issued with no restrictions.

DISCUSSION ITEMS:

American Medical Massage Association –
AMMA National Board Certification Exam

Mr. Sauer explained that AMMA wants to know if the state of Utah will recognize their test, Mr. Ormond suggested sending a letter requesting AMMA show how they are equal to NCBTMB, along with a sample test with point break downs.

R156-11a-703 –
Master Esthetician Statute Change

Mr. Ormond explained the change in the Master Estheticians Statute. Mr. Ormond, then told board members that if they had concerns to write to Dan Jones. Dan Jones entered the meeting to discuss the changes to the Statute. Currently, Master Estheticians are able to do full body lymphatic massage after 200 application hours, 40 of those hours being training.

Timber Crandall – Curriculum

It was determined that a more precise curriculum is needed. The issue was table until the next meeting on January 16, 2007.

Supervisor Approval Process

Mr. Ormond agreed to put together a form for supervisors to report their curriculum on and send to Board Members. Ms. Lessman-Hughes suggested that an evaluation form be completed with every massage. Mr. Olbrot suggested that a booklet of guidelines be developed for supervisors to follow. Mr. Ormond suggested that a specific criteria needs to be established for approval process. The Board agreed that they would like to have both apprentice and supervisor present at the meetings for supervisor approvals.

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FSMTB Exam

It was determined that if the need arose that a letter be sent requested proof of how the test is equal to the NCBTMB along with a sample test with point-by-point breakdowns. Mr. Ormond read an email he had received about becoming involved with the National Practitioner Databank. Mr. Engar and Ms. Werner tabled this topic for the next meeting on January 16, 2007.

CORRESPONDENCE:

Quality In Complementary & Alternative
Medicine – Textbook

Reviewed, no further action taken.

Utah Theory, and Law & Rules Exam
Score Reports

Reviewed, pass rate discussed, no further action taken

Ingeix Credential Questionnaire

Reviewed, no further action taken.

NEXT SCHEDULED MEETING:

January 16, 2007

DATE APPROVED

CHAIRPERSON, UTAH BOARD
OF MASSAGE THERAPY

DATE APPROVED

BUREAU MANAGER, DIVISION OF
OCCUPATIONAL & PROFESSIONAL
LICENSING